



Attorney Docket No.
37041-11406

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Zielinski et al.)
Serial No. 10/828,705)
Filed: April 21, 2004)
Group Art Unit: 2856)
Examiner: Unknown)
Title: Proximity Sensor for Level Sensing)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicant and inventor Michael Jon Taylor respectfully petitions the Commissioner to prosecute this application under 37 C.F.R. § 1.47(a) on the grounds that co-inventor Michael R. Zielinski cannot be found or reached after diligent effort as set forth in the accompanying Declaration of Nancy Page. Applicant Taylor submits herewith a Declaration signed by all of the available joint inventors, namely, himself, with the signature block of the non-signing inventor, namely, Mr. Zielinski, left blank. Pursuant to MPEP 409.03(a)(A), Applicant Taylor respectfully requests the Office treat the attached Declaration as having been signed by all the available joint inventors on behalf of the non-signing inventor. The last known address of the non-signing inventor, Michael R. Zielinski, is 12148 3A Parkview Lane, Holland, MI 49424, and

his last known telephone number is (616) 786-0198. The Office is hereby authorized to charge the fee set forth in 37 C.F.R. § 1.17(h) to Applicant's attorney's Deposit Account No. 10-0460.

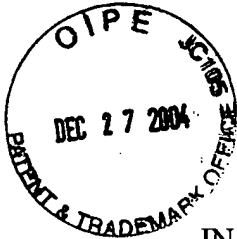
Respectfully submitted,



Mark P. Vrla
Registration No. 43,973

Dated: December 22, 2004

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One IBM Plaza
Chicago, IL 60611
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DECLARATION OF NANCY PAGE

I, Nancy Page, hereby declare as follows:

1. I am employed by Material Sciences Corporation Electronic Materials and Devices Group, Inc. ("MSC"), 2200 East Pratt Blvd., Elk Grove Village, Illinois 60007-5995.
2. I have been assigned the task of obtaining Michael R. Zielinski's signature on an inventor's declaration in connection with U.S. Patent Application Serial No. 10/828,705 filed on April 21, 2004 for the invention entitled "Proximity Sensor for Level Sensing."
3. Mr. Zielinski was employed by MSC from August 26, 2002 through May 30, 2003.
4. Mr. Zielinski's last known address is 12148 3A Parkview Lane, Holland, MI 49424 and his last known telephone number is 616-786-0198.
5. On September 24, 2004, I attempted to contact Mr. Zielinski at the foregoing telephone number. My call was answered by an answering machine. I left a detailed voice message identifying myself and the reason for my call, that is, to contact Mr. Zielinski and

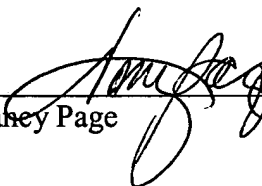
request that he accept, sign and return the foregoing inventor's declaration. No one returned my call.

6. On September 30, 2004, I sent by Federal Express to Mr. Zielinski at the foregoing address the foregoing inventor's declaration for his signature. The Federal Express envelope was returned to me on October 30, 2004 unopened and marked "return to sender." A copy of the Federal Express shipping documentation is attached as Exhibit A.

7. On or about November 29, 2004, I again attempted to contact Mr. Zielinski by telephone at the foregoing telephone number to no avail.

8. I am not aware of any other manner in which to contact Mr. Zielinski.

I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.



Nancy Page

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Address

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remove label backing.
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Handwritten:
To Michael Blake

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KIM ALBEE
MATERIAL SCIENCES CORPORATION
2200 E. PRATT BLVD
ELK GROVE VILLAGE, IL 60007

SHIP DATE: 30SEP04
SYSTEM #370102 / CPEE2186
ACTUAL WGT: 1 LBS 10OZ-467
ACCOUNT #: 182819000

SIG RELEASE#: 5146848



FedEx

TO:

MR. MICHAEL ZIELINSKI (847) 718-8182
FedEx Revenue Barcode
12148 3A PARKVIEW LANE
HOLLAND, MI 49424

REF: A. Blake



Delivery Address Barcode (FedEx-EDR)

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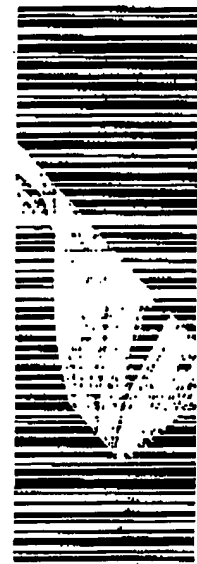
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ELK GROVE, IL 60007

Ship Date: 30OCT04
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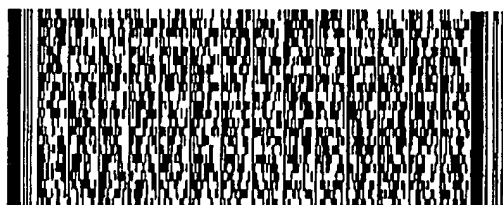
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